

REMARKS/ARGUMENTS

Claims 17-27 are pending in the present application. Claims 17 and 22 have been amended to more clearly recite the invention. In addition, new claim 28, which depends from claim 17, has been added to the application. Applicants submit that the claim amendments and new claim 28 are all supported by the application as originally filed and thus there is no issue of new matter. Entry of this Amendment into the file of the application is respectfully requested as it is believed to place the entire application in condition for an allowance.

OBJECTIONS TO THE CLAIMS

Claim 22 is objected to by the Examiner for the reasons provided at p. 2 of the Office Action. The claim has, thus, been amended in a manner which is believed to overcome the Examiner's ground for objection. The Examiner is, therefore, respectfully requested to reconsider and withdraw her objection to claim 22.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 17-27 are rejected under 35 U.S.C. §112, first paragraph. The Examiner alleges that these claims are not enabled by the teachings contained in the specification. More particularly, the Office Action states that the specification is enabling for a therapeutic composition for inhibiting tumor cells producing TGF-β, comprising a plasmid comprising SEQ ID NO:1 encoding IL-6 and a plasmid comprising SEQ ID NO:4 encoding IL-15 operably linked to an IL-2 signal peptide, and a method of inhibiting the growth of the TGF-β producing tumor cells by administering the plasmids via muscle electroporation; however, further according to the Examiner the specification is not enabling for a therapeutic composition comprising a plasmid comprising SEQ ID NO:1 encoding IL-6 and a plasmid comprising SEQ ID NO:2 encoding IL-15 without an IL-2 secretion signal sequence, or a method of inhibiting the growth of any tumor cells. This rejection is respectfully traversed.

Nevertheless, in order to advance the progress of this application, claim 22 has been amended to more clearly define the invention in that, as amended, it now recites a complex immuno-gene medical composition for inhibiting tumor cells producing TGF-β, wherein the composition

comprises a therapeutic effective amount of a plasmid comprising a DNA sequence of SEQ ID NO:1 encoding IL-6 and a therapeutic effective amount of a plasmid comprising a DNA sequence of SEQ ID NO:3 encoding IL-15 linked to a signal peptide. Additionally, new claim 28 has been added, which is dependent on claim 17 and which defines the ‘signal peptide’ now recited in claim 17 as being a IL-2 signal peptide.

The amendment to claim 17 and the addition of new claim 28 are believed to overcome the basis of the Examiner’s rejection under 35 U.S.C. 112, first paragraph as it is believed that no ‘undue experimentation’ would be necessary to practice the invention as now recited in applicants’ amended and new claims. The Examiner is, therefore, respectfully requested to reconsider and withdraw the §112, first paragraph, rejection.

Further to the above, claims 22-27 are rejected under 35 U.S.C. 112, second paragraph, on p. 5 of the Office Action. The basis of the Examiner’s objection is not clear, however, regarding this point. The Office Action states (at the bottom of p. 5) that claim 22 is incomplete as written and that the preamble of the claim is drawn to a method of inhibiting . . ., yet the Examiner never indicates what she believes is missing from the claim. There, in fact, appears to be some text missing from the Office Action as the sentence at the bottom of p. 5 is not continued at the top of p. 6. The Examiner is, therefore, respectfully requested to clarify her ground for rejection of claim 22 under §112, second paragraph, in her next communication with applicants’ representatives. In fact, if it would be convenient for the Examiner, in order to save the time which would otherwise be involved in mailing and responding to a further communication regarding this application, applicants’ representatives respectfully invite the Examiner to telephone them at the number below, regarding the issue of any further amendments to claim 22 which she believes are necessary to clarify that claim, in order to expedite the allowance of this application. In that way, the matter might be much more quickly resolved over the telephone.

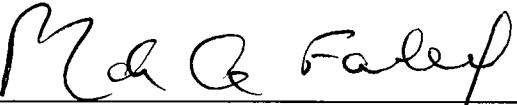
SUMMARY

The claim amendments and remarks set forth herein are believed to overcome the Examiner’s grounds for objection/rejection of the claims of this application. If the Examiner does not agree and believes that an interview would advance the progress of this case (see above), she is respectfully

invited to telephone applicants' representatives at the number above and an interview will be arranged.

Respectfully submitted,

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